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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,620	07/06/2000	Patrick H. Hayes	81230.55US1	6836

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EXAMINER

LESPERANCE, JEAN E

ART UNIT	PAPER NUMBER
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2674

18

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,620

Applicant(s)

HAYES ET AL.

Examiner

Jean E Lesperance

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11-18-2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

This application has been filed with informal drawings which are acceptable for **Claim** examination purposes only. Formal drawings will be required when the application is allowed.

Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 49-72 are rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent # 6,289,165 ("Abecassis") in view of U.S. Patent # 6,040,829 ("Croy et al.").

As for claim 49, Abecassis teaches a function keys 212 also provide, for example, subject category selection, content preference selection, and source selection 219 (column 10, lines 14-17) corresponding to a plurality of keys including navigation keys that are activatable to transmit command codes for commanding the consumer electronic device to navigate a menu of a digital media playable on the consumer electronic device. Accordingly, Abecassis teaches all the claimed limitations as recited in claim 49 with the exception of providing a storage means for monitoring activation of the keys and for automatically storing a sequence of activations of the keys and means

for repeating the stored sequence.

However, Croy et al. teach a save function that allows a user to record a sequence of user function key activations and associates a name with the particular sequence of actions (column 18, lines 39-41) corresponding to a storage means for storing a sequence of activations of the keys; and the user may simply press "recall" and "MUSIC" to receive a list of programs that meet these particular qualifiers according to the preselected user preferences (column 18, lines 44-47) corresponding to means for repeating the stored sequence.

It would have been obvious to utilize the save function and the recall as taught by Croy et al. in the system disclosed by Abecassis because this would provide automated capabilities for efficiently retrieving and playing only a specified class, category, or subject matter included in segments within the selected video or set of videos as may be available from a database or videos.

As for claims 50 and 53, Croy et al. teach a delete softkey that allows removal of the marked program from the list if it is not of interest anymore (column 19, lines 25-27) corresponding to means for removing activations on nonnavigation keys from the stored sequence.

As for claims 51, 54, and 64, Abecassis teaches the computing and storage capabilities of multimedia player, a voice response subsystem option accommodating at least the few commands, such as play, stop (pause), required to control the basic operations can additionally be provided (column 9, lines 12-16) corresponding to the storage means comprises means for storing inter-key pause times.

As for claim 52, Abecassis teaches a function keys 212 also provide, for example, subject category selection, content preference selection, and source selection 219 (column 10, lines 14-17) corresponding to a plurality of keys including navigation keys that are activatable to transmit command codes for commanding the consumer electronic device to navigate the menu system; a labeling of keys consistent with the functionality required to control a multimedia multisource receiver transmitter player comprising random access and communication capabilities integrating video and communications services (column 1, lines 64-65 and column 2, lines 1-3) corresponding to a transmitter providing communication with the consumer electronic device in response to activation of at least one of the keys.

As for claims 55 and 56, Croy et al. teach the user may simply press "recall" and "MUSIC" to receive a list of programs that meet these particular qualifiers according to the preselected user preferences (column 18, lines 44-47) corresponding to the means for executing a subset of the sequence is responsive to activation of a single key.

As for claims 57 and 58, Abecassis teaches a function keys 212 also provide, for example, subject category selection, content preference selection, and source selection 219 (column 10, lines 14-17) corresponding to sensing a sequence of user activations of the keys including the navigation keys when used to transmit command codes for commanding the consumer electronic device to navigate the secondary material of the digital medium; and the playing of multiple presentations may also be responsive to a preference for the sequence that certain presentation perspectives are played (column

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65, lines 65-67) corresponding to command the consumer electronic device to navigate the secondary material (column 68, lines 50-67) of the digital medium.

As for claims 59-60, Croy et al. teach a save function that allows a user to record a sequence of user function key activations and associates a name with the particular sequence of actions (column 18, lines 39-41) corresponding to executing the stored sequence commands the consumer electronic device to display each screen that was displayed when the sequence of user activations was sensed.

As for claim 61, Abecassis teaches the display of presentations in the primary windows can be automatically rotated responsive to system parameters and/or viewer preference (column 67, lines 52-55) corresponding to the instructions further provide for commanding the consumer electronic device to display primary material provided on the removable digital medium.

As for claim 62, Abecassis teaches a multimedia player's disc module 101 comprises laser disc technology distinguished principally in the cooperative operation, responsive to the instructions of the segment scheduler (column 28, lines 63-66) corresponding to the instructions further provide for controlling the operation of the consumer electronic device.

As for claim 63, Croy et al. teach a delete softkey that allows removal of the marked program from the list if it is not of interest anymore (column 19, lines 25-27) corresponding to the instruction further perform the step of removing the activation of non-navigation keys from the sequence to create the sub-sequence.

As for claim 65, Abecassis teaches the first time the MARK key is pressed, it identifies the beginning frame. The second time the MARK key is pressed, it identifies the end frame (column 10, lines 55-57) corresponding to the instructions further perform the step of identifying the start and end points of the sequence.

As for claims 66 and 70, Croy et al. teach the user may simply press "Recall" and "MUSIC" to receive a list of programs that meet these particular qualifiers according to the preselected user preferences (column 18, lines 44-47) corresponding to activation of a single keys allows a user to execute the stored sequence.

As for claim 67, Croy et al. teach a list of programs corresponding to the user selection that is displayed and processing flow loops back to processing block 410 where microcontroller 220 waits for the next user function key activation (column 11, lines 17-21) corresponding to the instructions further perform the step of preventing memory overflow.

As for claims 68 and 69, Abecassis teaches a remote control 200 that has a DVD mode (Fig.2) corresponding to the remote control is operable with a digital video disc player and the instructions further perform the step of determining if the remote control is a DVD mode.

As for claims 71 and 72, Croy et al. teach the user may simply press "Recall" and "MUSIC" to receive a list of programs that meet these particular qualifiers according to the preselected user preferences (column 18, lines 44-47) corresponding to storing the sequence occurs in response to activating a predetermined key and activation of the predetermined key also allows a user to execute the stored sequence.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 73-75 are rejected under 35 U.S.C. 102 (e) as being unpatentable over U.S. Patent # 6,040,829 ("Croy et al").

As for claim 73, Croy et al. teach the transmission of data can be two-way (both the base station 100 and the remote device 200 have IR transmitters and IR receivers) (column 4, lines 16-19 corresponding to a bi-directional communication system; a personal computer (column 4, line 30) corresponding to a processor connected to the communication system; and a marked program may be selected and additional information requested or programmed into the VCR. A delete softkey allows removal of the marked program from the list if it is not of interest anymore (column 19, lines 23-27) corresponding to programming operable with the processor and the bi-directional communication system for receiving data from the player used to define navigation commands transmittable to the player for controlling navigation within the menu system and for storing a sequence of the navigation commands for subsequent transmission to the player.

As for claims 74 and 75, Croy et al. a save function that allows a user to record a

sequence of user function key activations and associates a name with the particular sequence of actions (column 18, lines 39-41) corresponding to the programming is adapted to process preprogrammed sequences of data transmitted by the player and the programming is adapted to define a plurality of keys based upon the data received from the player.

Response to Arguments

Applicant's arguments filed 11-18-2003 have been fully considered but they are not persuasive. The applicant argued that "it is impermissible to combine references absent some teaching, suggestion, or motivation which must be gleaned from the references themselves". Examiner agrees with the applicant statement but it is not the case for this particular application. The prior art, Croy et al., teaches a control device for monitoring and controlling an electronic device with a personal navigator. The prior art, Abecassis, teaches a remote control device with the functionality required to control a multimedia multisource receiver transmitter player comprising random access and communications capabilities integrating video and communication services. It is irrelevant to say that the previous office action failed to establish a prima facie of obviousness. The applicant' representative argued that the prior art does not teach "automatically storing a sequence of keys activation, including navigation keys, when the keys are activated to transmit command codes for commanding the consumer electronic device to navigate a menu of a digital media and means for repeating this stored sequence which, in turn, requires the retransmission of the command codes

corresponding to the keys in the sequence". Examiner disagrees with the applicant because the prior art clearly teaches the underlined limitations of the present invention. The prior art, Croy et al., teaches a save function that allows a user to record a sequence of user function key activations and associates a name with the particular sequence of actions (column 18, lines 39-41) corresponding to a storage means for storing a sequence of activations of the keys and any television remote control has the same exact function where the key pressed is automatically stored in the memory and can be reactivate or repeat or retransmit the next time the consumer electronic device is on; and the user may simply press "recall" and "MUSIC" to receive a list of programs that meet these particular qualifiers according to the preselected user preferences (column 18, lines 44-47) corresponding to means for repeating the stored sequence. And activations of the preselected keys or recall can be used to retransmit the stored sequence from the keys. The applicant argued that the prior art does not teach "commands are transmitted from the remote control to a controlled device while the user is interacting with the locally displayed menu in the programming mode". Again examiner disagrees because the prior art, Abecassis, teaches a remote control 200 that has a DVD mode (Fig.2) that capable of transmitting commands from the remote control to a controlled device while the user is interacting with the locally displayed menu in the programming mode and again any normal TV remote control has the same exactly function. The applicant has to amend the claims to be more specific in order to overcome the prior arts of record because there is nothing novel in the claims the way they written. Therefore the rejection is maintained as was rejected previously.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (703) 308-6413. The examiner can normally be reached on from Monday to Friday between 8:00AM and 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709 .

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

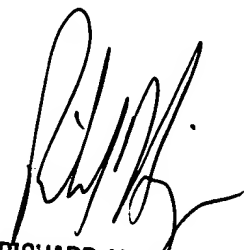
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance



Date 3-22-2004

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RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600